IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2546 OF 2006

Samrat Subrata Mitra .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.H.H.Ponda i/b Jurist UNO for the applicant.
Mrs.M.H.Mhatre A.P.P. for the State.
Mr.M.S.Mohite for the complainant.

CORAM : D.B.BHOSALE, J.

DATED : 31ST JULY, 2006

P.C.:

. Heard learned counsel for the applicant and the complainant and learned A.P.P. for the State.

2. This application is directed against the order passed by the Sessions Court on the Criminal Bail Application bearing No.989 of 2006 in C.C.No.270/PW of 2006 rejecting the bail application on the ground that filing of the charge-sheet is not a change of circumstance and hence it doesn't deserved to be entertained. This Court in **Laxman Irappa Hatti & Anr. Vs. State of Maharashtra 2004 ALL M.R.(Cri.) 3073** has taken a view that filing of a charge-sheet is the change of circumstance and the Court is obliged to consider the merits of the case afresh by allowing the applicant or his advocate to argue the application for

bail on the basis of documents supplied to the accused with the charge-sheet. In view of this the impugned order dated 29.5.2006 is quashed and set aside. Criminal bail application no.989 of 2006 stands restored to file. The Sessions Court shall decide Criminal bail application No.989 of 2006 afresh after giving an opportunity of being heard to the applicant, within two weeks from the date of receipt of this order. It is needless to express that the applicant shall give atleast 48 hours notice to the public prosecutor and the complainant. The application is, accordingly, disposed of.

(D.B.Bhosale, J.)